

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Carl Winfred Brooks**

Docket No. **289519**

L.C. No. **05-012119-FC**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction. The October 15, 2008 order denying defendant's motion for a new trial constituted an order denying a successive motion for relief from judgment. MCR 6.501. Accordingly, defendant may not appeal the denial of that motion. MCR 6.502(G)(1). The exceptions provided by MCR 6.502(G)(2) for a successive motion based on a retroactive change in law or a claim of newly discovered evidence are inapplicable.

The motion to waive fees is GRANTED for this case only.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 02 2009

Date

Sandra Schultz Mengel
Chief Clerk